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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/359,566 | 07/22/1999 | YOSHIROU YAMAZAKI | 1110-0247P | 2983 |

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

| EXAMINER | |
|---|---|
| LAMB, TWYLER MARIE | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2622 | 10 |

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/359,566 | Applicant(s) YAMAZAKI, YOSHIROU | |
|---|---|---|---|
| | Examiner Twyler M. Lamb | Art Unit 2622 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *9* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

**Notice to Applicant (s)**

1. This action is responsive to the following communications: amendment A filed on 3/3/03.

2. This application has been reconsidered. Claims 1-17 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodaira et al. (U.S. Patent Number 6,233,059) in view of Tatsumi (US 5,745,262).

With regard to claims 1, 4 and 17, Kodaira discloses an image reading apparatus (Figure 1; col 3, lines 44-52) comprising: an image sensor (color CCD sensor 112) which separates into three primary colors light bearing an image of an original (film 11; col 12, lines 13-18) and photoelectrically reads said light (col 3, line 65 – col 4, line 1); original type acquiring means for detecting or setting an original type of said original (which reads on the image reading apparatus being arranged to illuminate films of different sizes) (col 4, lines 8-14); and said light quantity balance adjusting means (filter section 25) for catching among colors a balance of light quantity of said light that is incident on said image sensor (col 4, lines 62-67) in accordance with the original type

obtained by said original type acquiring means by adjusting light quantity of light which is issued from a light source and incident on an original in accordance with the original type (col 4, lines 8-67).

Kodaira does not teach said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type.

Tatsumi discloses an image read-out device that includes said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type (col 8, lines 31-38).

There fore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kodaira to include said light quantity balance adjusting means being provided between said light source and said original in accordance with the original type as taught by Tatsumi. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kodaira by the teaching of Tatsumi to produce an amount of light that has been adjusted as taught by Tatsumi in col 8, lines 31-38.

With regard to claims 2 and 5, Kodaira discloses the image reading method, wherein balancing said light quantity among colors is formed by changing an optical balance in an optical system form the light source to the image sensor including the original (column 9, line 55 to column 10 line 2).

With regard to claim 3, Kodaira discloses the image reading method, wherein said original type includes at least a color negative film and a color reversal film (column 5, lines 7-45).

With regard to claim 6, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means changes the optical balance in the optical system from the light source to the image sensor including said original (column 9, line 55 to column 10, line 2) and decreases color mixing in the three primary colors (column 9, lines 26-28; switching filters decrease the mixing of colors.).

With regard to claim 7, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means includes an optical filter (column 21, lines 38-45; these elements, including the filter, work together to adjust the quantity of light.).

With regard to claim 8, Kodaira discloses the image reading apparatus, wherein said original type includes at least a color negative film and color reversal film (column 5, lines 7-45).

With regard to claim 9, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means will not operate in a reference type of the original (column 21, line 62 to column 22, line 6).

With regard to claim 14, Kodaira discloses the image reading apparatus, wherein said peak value changing means of said spectral sensitivity distribution will not operate in a reference type of the original (column 22, lines 24-37).

With regard to claim15, Kodaira also wherein said light quantity of light which is incident on said image sensor is balanced with every color in accordance

with the original type (column 9, line 55 to column 10 line 2).

With regard to claim16, Kodaira also discloses wherein said light quantity balance adjusting means catches with every color the balance of the light quantity of said light that is incident on said image sensor in accordance with the original type (column 9, line 55 to column 10 line 2).

5. Claims 10-13 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Kodaira (U.S. Patent Number 6,233,059) in view of Tatsumi (US 5,745,262), and further in view of Imoto (U.S. Patent 5,264,948).

With regard to claim 10, Kodaira as modified fails to disclose the image reading apparatus further comprising: spectral sensitivity changing means for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted among colors, as well as said respective means.

However, Imoto discloses the image reading apparatus further comprising: spectral sensitivity changing means (Figure 33, reference element 231) for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted among colors, as well as said respective means (column 51, line 56 to column 52, line 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore

provide color copies of high quality.

With regard to claim 11, Kodaira as modified fails to disclose the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution in accordance with the original type.

However, Imoto discloses the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution (column 54, lines 4-39) in accordance with the original type (column 54, lines 52-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

With regard to claim 12, Kodaira as modified fails to disclose the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from the light source to the image sensor including said original.

However, Imoto discloses the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from the light source to the image sensor including said original (column 54, lines 4-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings

of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

With regard to claim 13, Kodaira as modified fails to disclose the image reading apparatus, wherein said light quantity balance adjusting means and said peak value changing means of said spectral sensitivity distribution are integrated into a single optical unit.

However Imoto discloses the image reading apparatus, wherein said light quantity balance adjusting means (column 1, lines 35-42; exposure lamp adjust its intensity to read out optical image) and said peak value changing means (column 53, lines 25-29; reference element 231) of said spectral sensitivity distribution are integrated into a single optical unit (column 4, lines 49-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314
(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington. VA.
Sixth Floor (Receptionist)

Twyler Lamb

October 6, 2003

EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600